REMARKS

In the Office Action dated March 11, 2005, it is acknowledged that claims 43-47 and 53-54 are free of prior art. Claims 8, 16, 24, 27, 30, 33, 36, 39, 49 and 50 are objected to for reciting non-elected SEQ ID NOS. Claims 12, 13, 14, 15, 17, 18, 20, 21, 22, 23, 25, 26, 28, 29, 31, 32, 34, 35, 37, 38, 40, 41, 42, 43, 44, 45, 51, 52, 56, 57 and 58 are objected to because of certain informalities. Claims 46, 47, 53 and 54 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. Claims 3, 11-15, 19-23, 27-29, 33-35, 39-45, 50-52 and 55-58 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 3, 11-15, 19-23, 27-29, 33-35, 39-47 and 50-58 are rejected under 35 U.S.C. § 112, first paragraph, because the specification is allegedly not enabling. Claims 1, 3 and 49-51 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Xu *et al.* (*Plant Molecular Biology*, 2001, 47:727-738; hereafter "*Xu*"). Claims 3, 11, 12, 19, 20, 33, 34, 39, 40, 49, 50, 51, 55 and 56 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Anderson *et al.* (U.S. Patent 6,031,087; hereafter "*Anderson*"). Claims 1, 3, 8, 9, 11, 12, 14-17, 19, 20, 30, 31, 33, 34, 36, 37, 39, 40, 42, 49, 50-52 and 55-58 are rejected under 35 U.S.C. Ŭ 103(a) as being allegedly unpatentable over *Xu* in view of Johnson *et al.* (*PNAS*, 86:9871-0975, 1989; hereafter "*Johnson*"). Claims 1, 3, 8, 10, 11, 13, 16, 18, 19, 21, 30, 32, 33, 35, 36, 38, 39, 41, 49, 50, 51, 52, 55 and 56 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Xu* in view of Daniell *et al.* (U.S. Patent Application Publication No. 2004/0210966; hereafter "*Daniell*") and Zhang *et al.* (*Plant Physiology*, 2001, 127:131-141; hereafter "*Zhang*"). Claims 1, 3, 16, 17, 19, 20, 22 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Solomon *et al.* (*The Plant Cell*, 1999, 11:431-443; hereafter *Solomon*) in view of *Xu*. Claims 1, 3, 24, 25, 27 and 28 are rejected under 35 U.S.C. § 103(a) as being allegedly anpatentable over Urwin *et al.* (*Planta*, 1998, 204:472-479) in view of *Xu*. Claims 1, 3, 24,

26, 27 and 29 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Daniell, Zhang* and *Solomon* in view of *Xu*.

In the present Amendment, claims 8, 16, 19, 24, 27, 30, 33, 36, 39, 49 and 50 are herein amended to delete non-elected SEQ ID NOS. Claims 12, 13, 14, 15, 17, 18, 20, 21, 22, 23, 25, 26, 28, 29, 31, 32, 34, 35, 37, 38, 40, 41, 42, 43, 44, 45, 51, 52, 56, 57 and 58 are herein amended to correct certain informalities. No new matter has been introduced. Claims 1, 3, 8-47 and 49-58 are pending in the case.

Objections to the Claims

(1) Claims 8, 16, 24, 27, 30, 33, 36, 39, 49 and 50 are objected to for reciting nonelected SEQ ID NOs.

Claims 8, 16, 24, 27, 30, 33, 36, 39, 49 and 50 are herein amended to delete the references to non-elected SEQ ID NOs.

Accordingly, Applicants respectfully request that the objection to these claims be withdrawn.

(2) Claims 12-15, 17, 18, 20-23, 25, 26, 28, 29, 31, 32, 34, 35, 37, 38, 40, 41, 43, 44, 45, 51, 52, 56, 57 and 58 are objected to for certain informalities.

Claims 12-15, 17, 18, 20-23, 25, 26, 28, 29, 31, 32, 34, 35, 37, 38, 40, 41, 43, 44, 45, 51, 52, 56, 57 and 58 are herein amended to add a comma after referring to a claim no(s) from which each claim depends.

Accordingly, Applicants respectfully request that the objection to these claims be withdrawn.

(3) Claim 42 and its dependent claims 43-45 are objected to as being in improper form because a multiple dependent claim should refer to claims in an alternative form.

Claim 42 is herein amended to recite the claims in an alternative form according to the examples in MPEP § 608.01(n).

Accordingly, Applicants respectfully request that the objection to claims 42 and its dependent claims be withdrawn.

(4) Claim 23 is objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claim 23 is herein amended to depend from claim 22.

Accordingly, Applicants respectfully request that the objection to claim 23 be withdrawn.

Claim Rejections under 35 U.S.C. § 112

(A) Claims 46, 47, 53 and 54 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Office Action states that the claims 46, 47, 53 and 54 contain vectors, pSa7 and pMLVHisP, which are not enabling to one skilled in the art and that the specification does not disclose a repeatable process to obtain the plasmids.

Applicants respectfully traverse the rejection.

As described at page 40, lines 22-30 of the present specification, vector pSa7 is constructed by replacing the GUS gene in plasmid vector pBI121 (available from

Clontech, CA) as shown in Fig. 10a using the skill nothing more than the ordinary skill in the art.

Thus, the present specification discloses a repeatable process to obtain pSa7 and, therefore, meets the "known and readily available to the public" standard under MPEP § 2404.01 and the enablement requirement under 35 U.S.C. § 112, first paragraph.

Likewise, plastid vector pMLVHisP is constructed by introducing a 0.5-kb *Not*I fragment of *S. americanum* cDNA encoding proteinase inhibitor II protein SaPIN2a in the *NotI* of pMLVHisA, as described at page 43, lines 21-24 and Figures 18 and 19. Plastid vector pMLVHisA is derived from plasmid pVSR326 (GenBank accession no: AF527485), construction of which was disclosed in Reddy *et al.* (2002, *Mol. Breeding* 9; 259-269) and PCT international application no. PCT/EP00/12446 (at page 50, line 13 through page 52, line 17 of international publication no. WO 01/42441 published June 14, 2001) (also see at page 18, lines 11-16 of the present specification), and is well known in the art of plastid transformation. Briefly, a polylinker (upper strand, 5'-CATGGCCGCGGGGGCCCGCTAGCAGGCCTGCGGCCGCATC-GATGAGCT-3'; lower strand, 5'-CATCGATGCGGCCGCAGGCCTGCTAGCGGG-CCCCCGCGGC-3') was cloned in *Nco*I-*Sac*I site of pVSR326. The obtained pVSR326 derivative was digested by *Sac*II and inserted with a $(His)_5$ fragment (upper strand, 5'-GCGGGGTTCTCATCATCATCA-TCATGGTCCGC-3'; lower strand, 5'-GGACCATGATGATGATGATGAGAACCCC-GCGC-3'). The resultant plasmid was termed pMLVHisA. The constructions of pMLVHisA and pMLVHisP are shown in Figures 18 and 19 and are easily enabled by ordinary skill in the art, considering the level of the prior art, the level of one of ordinary skill in the art, and the level of predictability in the art, at the time of the filing of the present application, requiring no undue experimentation.

Thus, the present specification discloses a repeatable process to obtain pMLVHisP and, therefore, meets the "known and readily available to the public" standard under MPEP § 2404.01 and the enablement requirement under 35 U.S.C. § 112, first paragraph.

Accordingly, Applicants do not believe that deposits of the vectors are necessary in order to satisfy the requirements of 35 U.S.C. § 112 and respectfully request that the claim rejections under 35 U.S.C. § 112, first paragraph, be withdrawn.

Applicant concurrently submit a copy of WO 01/42441 as a part of the Information Disclosure Statement for the Examiner's consideration.

(B) Claims 3, 11-15, 19-23, 27-29, 33-35, 39-45, 50-52, and 55-58 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Specifically, the Office Action states that Applicants do not describe: (i) an isolated nucleic acid that hybridizes to a proteinase inhibitor II nucleotide sequence of SEQ ID NO:1 and encodes a protein having proteinase inhibitor activity; (ii) any structural features of SEQ ID NO:1 that are essential for function; (iii) if a nucleic acid molecule that hybridizes to a proetinase inhibitor II nucleotide sequence of SEQ ID NO:1 possesses the structural features essential for function; (iv) functional description of an isolated nucleic acid molecule having a nucleotide sequence that hybridizes to a proteinase inhibitor II nucleotide sequence of SEQ ID NO:1; and (v) the sufficient structural elements of a representative number of nucleic acids that encode a proteinase inhibitor II.

Applicants respectfully traverse the rejection.

Firstly, the structural features of SEQ ID NO:1 that are essential for its function are described in the present specification at page 9, lines 1-15. SaPIN2a encoded by SEQ ID NO:1 contain an inhibitory domain 1 and an inhibitory domain 2 which correspond to a trypsin-inhibitory domain and a chymotrypsin-inhibitory domain. The trypsin-inhibitory domain corresponds to amino acids 30-83 of the amino acid sequence encoded by SEQ ID NO:1 and the chymotrypsin-inhibitory domain corresponds to amino acids 87-140 of the amino acid sequence encoded by SEQ ID NO:1. Thus, the structure and function of SEQ ID NO:1 is clearly defined and so as the sequence of its complement.

Secondly, in the present invention, isolating nucleic acid molecules having nucleotide sequences that hybridize under stringent conditions to a complement of the DNA sequence of SEQ ID NO:1 is described at page 19, lines 4-28, of the present specification. This technique is well known in the art. The structural and functional characteristics of such nucleic acid resides in the fact that they can hybridize under stringent conditions to a complement of the DNA sequence of SEQ ID NO:1, whose structure and function are defined by its DNA sequence, and such structural characteristics correlate with their function as proteinase inhibitors. This was indeed evidenced by the fact that SaPIN2a and SaPIN2b themselves, proteinase inhibitor II genes, were isolated by screening a *Solanum americanum* cDNA library using a tomato proteinase inhibitor II cDNA ***as a hybridization probe*** (*see* page 3, lines 18-24, of the present invention). Thus-isolated nucleic acid molecules can be expressed in an appropriate in vitro transcription/translation system or in a transgenic plant, such as lettuce plants which is transformed by transformation vector containing said nucleic acid molecule (*see* page 40, line 22 through page 41, line 2) and proteinase inhibitor activities of the encoded proteins thereby can be confirmed with any assays well known

to one skilled in the art, including the assay described at page 42, lines 5-32 of the present specification.

In *Amgen, Inc. v. Chugai Pharmaceutical Co., Ltd.*, 927 F2d 1200, 1206, 18 USPQ2d 1016, 1021 (Fed. Cir. 1991), the court stated that "it is well established in our law that conception of a chemical compound requires that the inventor be able to define it so as to distinguish it from other materials, and to describe how to obtain it." Further, for example, in *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379-80, 231 USPQ 81, 90 (Fed. Cur. 1986), the court stated that "[i]nformation which is well known in the art need not be described in detail in the specification.

Thus, Applicants believe that the subject matter of the rejected claims is sufficiently described in the present specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Accordingly, Applicants respectfully request that the claim rejections under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement be withdrawn.

(c) Claims 3, 11-15, 19-23, 27-29, 33-35, 39-47, and 50-58 are rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for the subject matter with regard to an isolated proteinase inhibitor II nucleic acid molecule having a nucleotide sequence of SEQ ID NO:1 encoding SEQ ID NO:2, does not reasonably provide enablement for the subject matter with regard to an isolated nucleic acid molecule having a nucleotide sequence that hybridizes to the complement of SEQ ID NO:1.

Specifically, the Office Action lists eight considerations under *In re Wands*, 858 F.2d 731, 8 USPQ2d 1400 (Fed. Cir. 1988) and states at page 11 that "[t]he specification does not teach where to find or how to make the isolated nucleic acid molecule having a nucleotide sequence that hybridizes to a proteinase inhibitor II nucleotide sequence of SEQ ID NO:1" and that "[g]iven the claim breath [*sic*], unpredictability, absence of other working examples and lack of guidance . . ., undue experimentation would have been required by one skilled in the art to develop and evaluate nucleic acids that hybridize to SEQ ID NO:1."

Applicants respectfully traverse the rejection.

The Examiner's attention is respectfully directed to the descriptions at page 21, line 11 through page 22, line 11. The nucleic acid molecule having a nucleotide sequence that hybridizes to the complement of SEQ ID NO:1 can be found, for example, by screening a cDNA or genomic DNA library with a nucleotide fragment specific for a part of the proteinase inhibitor II, in particular, SEQ ID NO:1. Such a technique is well known in the art (*e.g.*, *see* Sambrook *et al.*, 1989, Molecular Cloning: A Laboratory Manual, Cold Spring Harbor Laboratory Press, Cold Spring Harbor, N.Y., and U.S. Patent No. 5,650,148). Or, a set of degenerate oligonucleotides specific for the proteinase inhibitory domains can be prepared based on the amino acid sequences of the domains and used as primers, which hybridize to relevant sequences under the stringent conditions, for PCR. The methods for expressing thus-isolated nucleic acid molecules are described in detail in Sections 5.1 and 5.3-5.8 of the present specification and the method for detecting trypsin and chymotrypsin inhibitory activity is described at page 42 of the specification.

In *In re Colianni*, 561 F.2d 220, 224, 195 USPQ 150, 153 (CCPA 1977), the court stated that "an extended period of experimentation may not be undue if the skilled

artisan is given sufficient direction or guidance>" Further, in *In re Wands*, 858 F.2d 731, 737, 8 USPQ2d 1400, 1404 (Fed. Cir. 1988) (citing *In re Angstadt*, 537 F.2d 489, 502-04, 190 USPQ 214, 217-19 (CCPA 1976)), the same court stated that "[t]he test is not merely quantitative, since a considerable amount of experimentation is permissible, if it is merely routine, or if the specification in question provides a reasonable amount of guidance with respect to the direction in which the experimentation should proceed." In *Wands*, 858 F.2d at 737, 740, 8 USPQ2d at 1404, 1407, it was said that the examiner's analysis must consider all the evidence related to each of these factors, and any conclusion of nonenablement must be based on the evidence as a whole. In addition, as long as the specification discloses at least one method for making and using the claimed invention that bears a reasonable correlation to the entire scope of the claim, then the enablement requirement of 35 U.S.C. § 112 is satisfied. *In re Fisher*, 427 F.2d 833, 839, 166 USPQ 18, 24 (CCPA 1970).

The methods for detecting and isolating a nucleic acid molecule, from various DNA libraries, which hybridizes to a specific nucleic acid molecule, are well known and performed routinely in the art. In addition, a reasonable amount of guidance for proceeding the necessary experimentation to obtain such a nucleic acid molecule is provided in the present specification. Thus, it does not require undue experimentation to obtain the claimed invention.

The Examiner calculates the number of all possible single amino acid substitution in a protein encoded by SEQ ID NO:1 and concludes that "making and analyzing proteins with many amino acid substitutions that also have hypersensitive response elicitor activity would require undue experimentation" and "[t]herefore, it would require undue experimentation to make and/or use the invention as broadly claimed."

Applicants respectfully submit that the Examiner's statement is in error. The Examiner simply states that to prepare nucleic acid molecules having all possible single amino acid substitutions and to screen them require undue experimentation. However, an isolated nucleic acid molecule having a nucleotide sequence that hybridizes under stringent conditions to the complement of SEQ ID NO:1 can be obtained by simply screening various cDNA or genomic DNA libraries using routine techniques well known in the art, which does not require any undue experimentation.

Accordingly, Applicants respectfully request that the claim rejections under 35 U.S.C. § 112, first paragraph, as lacking enablement be withdrawn.

Claim Rejections under 35 U.S.C. § 102

(A) Claims 1, 3 and 49-51 are rejected under 35 U.S.C. §102(b) as being anticipated by *Xu*.

Applicants respectfully submit that the *Xu* reference was published in ***December, 2001***, as shown in the data from the publisher (a copy of which is attached hereto for the Examiner's reference), which is less than one (1) year before the filing date, ***November 29, 2002***, of the present application. Thus, *Xu* is not a proper prior art reference against the present application.

Accordingly, Applicants respectfully request that the claim rejection under 35 U.S.C. 102(b) as being anticipated by *Xu* be withdrawn.

(B) Claims 3, 11, 12, 19, 20, 33, 34, 39, 40, 49, 50, 51, 55 and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by *Anderson*.

Specifically, the Office Action states that *Anderson* discloses a nucleotide sequence that allegedly hybridizes to SEQ ID NO:1 because it has 67.3% similarity to SEQ ID NO:1.

Applicants respectfully traverse the rejection.

The rejected claims all recite the limitation with regard to the hybridizing condition. Namely, the nucleotide sequence recited in all the claims hybridizes to the complement of SEQ ID NO:1 ***under stringent conditions***, *i.e.*, 6xSSC, 5x Denhardt's, 1% SDS, 100 μg/ml denatured salmon sperm DNA at 42°C, and washing in 0.1x SSC, 0.1% SDS at 65°C. There is no evidence that the sequence of *Anderson*, having only 67.3% similarity to SEQ ID NO:1 of the present invention, would hybridize to the complement of SEQ ID NO:1 of the present invention under such a highly stringent condition. In fact, Applicants strongly believe that the sequence having merely 67.3% identity to SEQ ID NO:1 would NOT be able to hybridize the complement of SEQ ID NO:1 under the stringent conditions recited in the claims.

Accordingly, *Anderson* does not anticipate claims 3, 11, 12, 19, 20, 33, 34, 39, 40, 49, 50, 51, 55 and 56 under 35 U.S.C. § 102(b) and the claim rejections should be withdrawn.

Claim Rejection under 35 U.S.C. § 103(a)

(A) Claims 1, 3, 8. 9, 11, 12, 14-17, 19, 20, 30, 31, 33, 34, 36, 37, 39, 40, 42, 49, 50-52 and 55-58 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over *Xu* in view of *Johnson*.

(B) Claims 1, 3, 8, 10, 11, 13, 16, 18, 19, 21, 30, 32, 33, 35, 36, 38, 39, 41, 49, 50, 51, 52, 55 and 56 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Xu* in view of *Daniell* and *Zhang*.

(C) Claims 1, 3, 16, 17, 19, 20, 22 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Solomon* in view of *Xu*.

(D) Claims 1, 3, 24, 25, 27 and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Urwin* in view of *Xu*.

(E) Claims 1, 3, 24, 26, 27 and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Daniell, Zhang* and *Solomon,* in view of *Xu*.

Applicants respectfully traverse all the rejections above.

As discussed in the previous section, *Xu* is not a proper prior art reference and, therefore, the claim rejections under 35 U.S.C § 103(a) as being unpatentable over the cited references in combination with *Xu* should be withdrawn.

In view of the above amendments and the remarks, applicants believe the pending application is in condition for allowance, an early notification of which is earnestly requested.

No fee is believed to be due for this submission. Should any fee(s) be required, please charge such fee(s) to Deposit Account No. 50-2215.

Dated: June 10, 2005

Respectfully submitted,

By Edward A. Meilman

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Attachments:

1. Black/White photos of Figures 5-9;
2. Copies of "Response to Notice to File Missing Parts of Application"; Executed Declaration; and the return postcard;
3. Publication data sheet for the *Xu* reference.

COPY

Docket No.: V9661.0043
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Chi-Ming Che

Application No.: 10/725,829

Confirmation No.: 7267

Filed: December 1, 2003

Art Unit: Not Yet Assigned

For: GENETICALLY MODIFIED PLANTS EXPRESSING PROTEINASE INHIBITORS, SAPIN2A OR SAPIN2B, AND METHODS OF USE THEREOF FOR THE INHIBITION OF TRYPSIN-AND CHYMOTRYPSIN-LIKE ACTIVITIES

Examiner: Not Yet Assigned

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Application mailed April 9, 2004, Applicants respectfully submit a Combined Declaration and Power of Attorney, and Part 2 Copy of Notice.

Please charge our Credit Card in the amount of $65.00 covering the fee set forth in 37 CFR 1.16(e). Credit Card Payment Form SB-2038, with a signature from an authorized cardholder, is enclosed.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-2215.

Dated: May 28, 2004

Respectfully submitted,

By_____

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DECLARATION AND POWER OF ATTORNEY FOR NON-PROVISIONAL PATENT APPLICATION *

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

GENETICALLY MODIFIED PLANTS EXPRESSING PROTEINASE INHIBITORS, SAPIN2A OR SAPIN2B, AND METHODS OF USE THEREOF FOR THE INHIBITION OF TRYPSIN-AND CHYMOTRYPSIN-LIKE ACTIVITIES

and for which a patent application:

☐ is attached hereto and includes amendment(s) filed on (if applicable)

☐ was filed in the United States on December 1, 2003 as Application No. (for declaration not accompanying application) with amendment(s) filed on (if applicable)

☐ was filed as PCT international Application No. on and was amended under PCT Article 19 on (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations,§1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION				
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED	
			YES ☐	NO ☐
			YES ☐	NO ☐

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE
60/429,992	November 29, 2002

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

I hereby appoint customer no. 32172 DICKSTEIN, SHAPIRO, MORIN & OSHINSKY, LLP, and the members of the firm, Edward A. Meilman, Reg. No. 24,735, Gary M. Hoffman, Reg. No. 26,411, Steven I. Weisburd, Reg. No. 27,409, Thomas J. D'Amico, Reg. No. 28,371, Donald A. Gregory, Reg. No. 28,954, Stephen A. Soffen, Reg. No. 31,063, James W. Brady, Jr., Reg. No. 32,115, Jon D. Grossman, Reg. No.

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32,629, Mark J. Thronson, Reg. No. 33,082, Michael J. Scheer, Reg. No. 34,425, and Eric Oliver, Reg. No. 35,307, as attorneys with full power of substitution and revocation to prosecute this application, to transact all business in the Patent & Trademark Office connected therewith and to receive all correspondence.

SEND CORRESPONDENCE TO: DICKSTEIN, SHAPIRO, MORIN & OSHINSKY, LLP
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New York, NY 10036-2714

DIRECT TELEPHONE CALLS TO:
(212) 835-1400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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COPY

Atty Docket No.: V9661.0043

Inventor: Chi-Ming Che

Application No.: 10/725,829-Conf. #7267 **Filing Date:** December 1, 2003

Title: GENETICALLY MODIFIED PLANTS EXPRESSING PROTEINASE INHIBITORS, SAPIN2A OR SAPIN2B, AND METHODS OF USE THEREOF FOR THE INHIBITION OF TRYPSIN-AND CHYMOTRYPSIN-LIKE ACTIVITIES

Documents Filed:

Combined Declaration and Power of Attorney

Part 2 Copy of Notice

Response to Notice to File Missing Parts of Application (2 pages)

Payment by credit card. Form PTO-2038 is attached (1 page)

Charge $65.00 to credit card

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Date: May 28, 2004